

JUDGE SCHEINDLIN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

08 CV 7086

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DAVINDER K. MINCIN and STEVEN MINCIN,

08 Civ.

Plaintiffs,

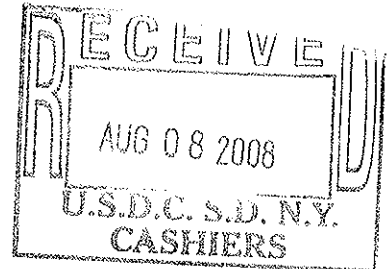
COMPLAINT

-against-

JURY TRIAL DEMANDED

HENNE NORRIS,

Defendant.



Plaintiffs, by their attorneys, Jaroslawicz & Jaros, LLC and Law Offices of Denise Mortner
Kranz & Associates, complaining of the defendants, upon information and belief, allege as follows:

THE PARTIES

1. At all times hereinafter mentioned, the plaintiffs are husband and wife.
2. At all times hereinafter mentioned, the plaintiffs are citizens of the State of New York.
3. At all times hereinafter mentioned, plaintiff Davinder K. Mincin owned a motor vehicle.
4. At all times hereinafter mentioned, the plaintiff Davinder K. Mincin was operating her motor vehicle.
5. At all times hereinafter mentioned, the defendant Henne Norris is a citizen of the State of New Jersey.
6. At all times hereinafter mentioned, the defendant owned a motor vehicle bearing New Jersey license plate number RXU 33B.
7. At all times hereinafter mentioned, the defendant was operating her motor vehicle.

JURISDICTION AND VENUE

8. That the amount in controversy exceeds the sum of \$100,000, exclusive of interest and costs.

9. That this Court has jurisdiction over the parties by reason of diversity of citizenship and the amount in controversy, pursuant to 28 U.S.C. 1332.

10. Venue is properly placed in the United States District Court for Southern District of New York the since the occurrence took place here, the witnesses are located here, and this is the most convenient place for the trial of this action.

THE UNDERLYING FACTS

11. The vicinity of the westbound Triboro Bridge, in the vicinity of 125th Street and Second Avenue was and is a public thoroughfare in the State of New York, County of New York.

12. On or about June 3, 2008, plaintiff was operating her motor vehicle in the aforementioned vicinity.

13. On or about June 3, 2008, the defendant was operating her motor vehicle in the aforementioned vicinity.

14. Due to the defendant's recklessness, carelessness and negligence, plaintiff Davinder K. Mincin was caused to suffer severe and permanent personal injuries when her vehicle was struck in the rear by the defendant's vehicle.

15. Plaintiff in this action has suffered serious injuries as defined by the No-Fault Insurance Law of the State of New York.

16. That plaintiff in this action is not seeking to recover any monies which are paid or should be paid through No-Fault Insurance.

17. If the plaintiff executes a release in this action, plaintiff does not intend to release any claims by any insurance carrier for any monies paid for no-fault benefits or any claims for subrogation or any claims other than the plaintiff's own claims for pain and suffering and the amount of special damages exceeding those paid under No-Fault.

18. The amounts sought herein exceed the jurisdiction of the lower courts.

**AS AND FOR A FIRST CLAIM FOR RELIEF
ON BEHALF OF PLAINTIFF DAVINDER K. MINCIN**

19. The defendant was reckless, careless and negligent in operating her vehicle at an excessive rate of speed; in striking the plaintiff's vehicle in the rear; in failing to make proper and timely use of brakes, horns and other devices; in failing to see what should be seen; in violating applicable laws, rules and regulations; and defendant was otherwise reckless, careless and negligent.

20. As a result of the defendant's negligence, plaintiff was caused to suffer severe and permanent personal injuries, including injury to her head, neck, shoulders, chest and back; lumbar radiculopathy; aggravation and exacerbation of prior condition; plaintiff required hospital and medical care and attention and will require such care and attention in the future; unable to attend to her usual duties and vocation; extreme pain and suffering; mental anguish and distress; difficulty sleeping; difficulty walking; difficulty sitting for extended periods of time; and plaintiff has been otherwise damaged, all of which damages are permanent in nature and continuing into the future.

21. By reason of the foregoing, plaintiff is entitled to recover all of her damages from the defendant.

AS AND FOR A SECOND CLAIM FOR RELIEF
ON BEHALF OF PLAINTIFF STEVEN MINCIN

22. Plaintiffs hereby repeat, reiterate and reallege each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

23. That at all times hereinafter mentioned, the plaintiff Steven Mincin was the lawful husband of the plaintiff Davinder K. Mincin and as such was entitled to her society, support, services and consortium.

24. By reason of the defendant's negligence as aforesaid, the plaintiff Steven Mincin was deprived of the society, support, services and consortium of his wife.

25. By reason of the foregoing, the plaintiff Steven Mincin is entitled to recover all of his damages from the defendants.

WHEREFORE, plaintiffs demand judgment against the defendants for all damages properly recoverable in an action of this nature, all together with the costs and disbursements of this action.

JAROSLAWICZ & JAROS, LLC

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By: _____

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JAROSLAWICZ & JAROS, LLC
and
LAW OFFICES OF
DENISE MORTNER KRANZ
& ASSOCIATES

08 Civ.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVINDER K. MINCIN and STEVEN MINCIN,

Plaintiffs,

-against-

HENNE NORRIS,

Defendant.

Summons & Complaint
Jury Trial Demanded

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